

REMARKS

The Official Action of March 17, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 21-32, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 21-32 remain in the application for consideration.

With regard to the examiner's objection to the claims in paragraph 2a of the Examiner's Office Action, Applicant does not believe that it is necessary to amend claim 21 as required, as "the axis" is an inherent part of the claimed security key and its recitation alone provides its antecedent basis (see the last two sentences of MPEP 2173.05(e)).

With regard to paragraph 2b, claims 21, 23, 24, 26 and 29-32, Applicant has amended these claims to provide for "the at least one data storage module", as required by the Examiner.

Applicant traverses the Examiner's rejection of claims 21-32 under 35 U.S.C. §112, second paragraph.

With regard to paragraph 5, Applicant respectfully submits that the claims are clearly directed to claiming the

specific structural elements set out. There is virtually no language in the claims which can be identified as method steps as defined by Patent Office policy. If the Examiner does not agree, Applicant requests that the Examiner identify the language in the claims directed to "the method of assembly of the key".

With regard to paragraph 6, the two terms identified by the Examiner are set out in different independent claims, i.e. 21, 27 and have no relation to one another even if they are intended to identify the same structural element. Given the above, Applicant does not understand the Examiner's problem. Notwithstanding, Applicant has amended claim 21 to provide for "a first data storage module" rather than "at least one first data storage module" in the hope the Examiner's problem is resolved. If not, Applicant requests a fuller explanation of the problem.

With regard to paragraph 7, Applicant first submits that "formed in a unit" is a term commonly used in claims presented to the Patent Office to indicate that the element involved is manufactured as a single piece and not two or more pieces engaged together to form the element. Applicant submits that the dictionary definition of the above words clearly support the above explanation. If the Examiner does

not agree, Applicant requests a specific explanation of what is "unclear".

Finally, Applicant submits that the Examiner has no basis whatsoever to require Applicant to further limit claim 21 by setting out "locking components". How the key and cup are locked together is not a relevant part of the claimed invention. Requiring Applicant to set out one of many ways to achieve the engagement of the latch provides to others means to avoid coverage by the patent. Applicant requests that this requirement be withdrawn. Otherwise, Applicant requests specific justification for the requirement.

Applicant respectfully submits that the Examiner's objection to and rejection of the claims under 35 U.S.C. §112, second paragraph have been withdrawn.

The Examiner has further rejected claims 21-23, 25-28 and 31 under 35 U.S.C. §103(a) as being unpatentable over Lerchner '611 in view of Leuling '669 in further view of Bishop '605; claims 24, 29, 30 and 32 under 35 U.S.C. §103(a) as being unpatentable over Lerchner in view of Leuling further in view of Bishop and further in view of Tanaka '736. Applicant respectfully requests reconsideration of these rejections for the following reasons. The claims have been amended only to overcome formal objections and therefore clearly do not raise new issues.

The Examiner indicates that Lerchner discloses an extended shank region, which has a recess 25 along an axis of the security key in which at least one first data storage module 20. In comparison, line 13 of claim 21 of the application provides for a shank having control areas and an extended shank region having a recess along and on the axis of the security key. Clearly Lerchner does not disclose a recess along and on the axis of the security key. Enclosure B shows the recess in which the first storage module 7 is engaged. The recess is clearly along and on the axis of the security key. This has the advantage that the electrical connection between the first data storage module and the antennas 7a is very short. Lerchner and also the other references do not disclose nor suggest a recess along and on the axis of the security key as clearly stated in present claim 21.

Enclosure C clearly shows that Lerchner discloses a storage module, which is clearly outside the axis of the security key. The data storage module is in a pocket of the cap. Leuling discloses a key having two data storage modules 7 and 8. However, Leuling does not disclose a recess along and on the axis of the security key in which a data storage module is engaged. This is indicated in Enclosure D.

Applicant respectfully submits that the claimed invention patentably defines over the cited prior art

combination on the basis of at least the structural differences identified above and shown in the enclosures.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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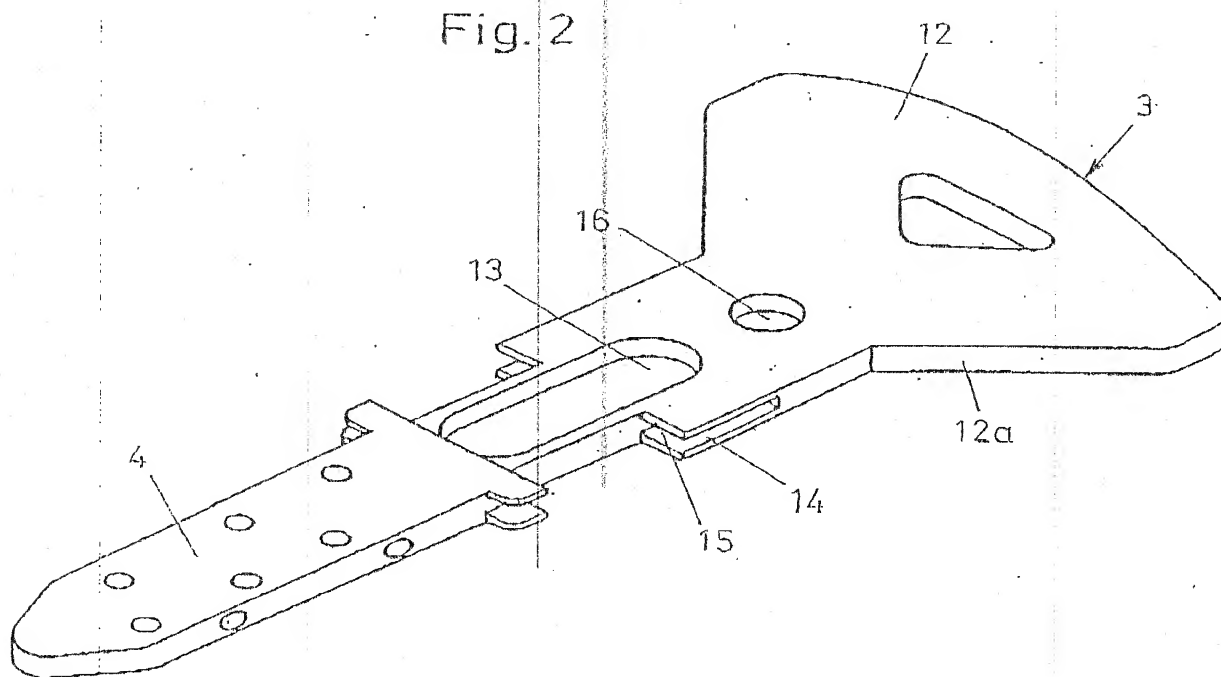
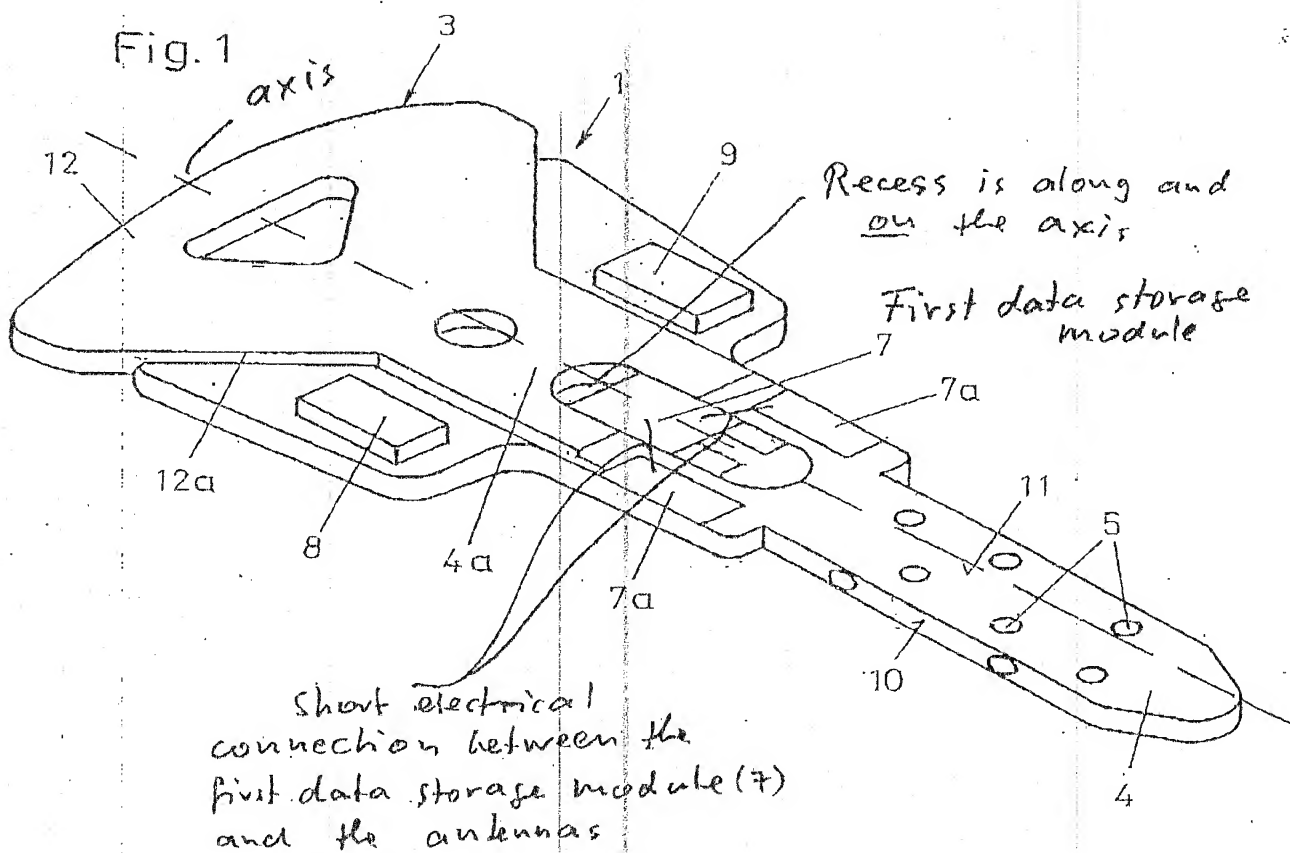
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Enclosure C



US00587861A

**United States Patent** [19]

Lerchner et al.

[11] Patent Number: 5,878,611

[45] Date of Patent: Mar. 9, 1999

[54] FLAT KEY

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[22] Filed: Sep. 30, 1997

[30] Foreign Application Priority Data

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[51] Int. Cl.<sup>6</sup> ..... E05B 47/00; E05B 19/04[52] U.S. Cl. .... 70/276; 70/408; 70/278;  
70/395; 70/413[58] Field of Search ..... 70/408, 278, 395,  
70/413, 276

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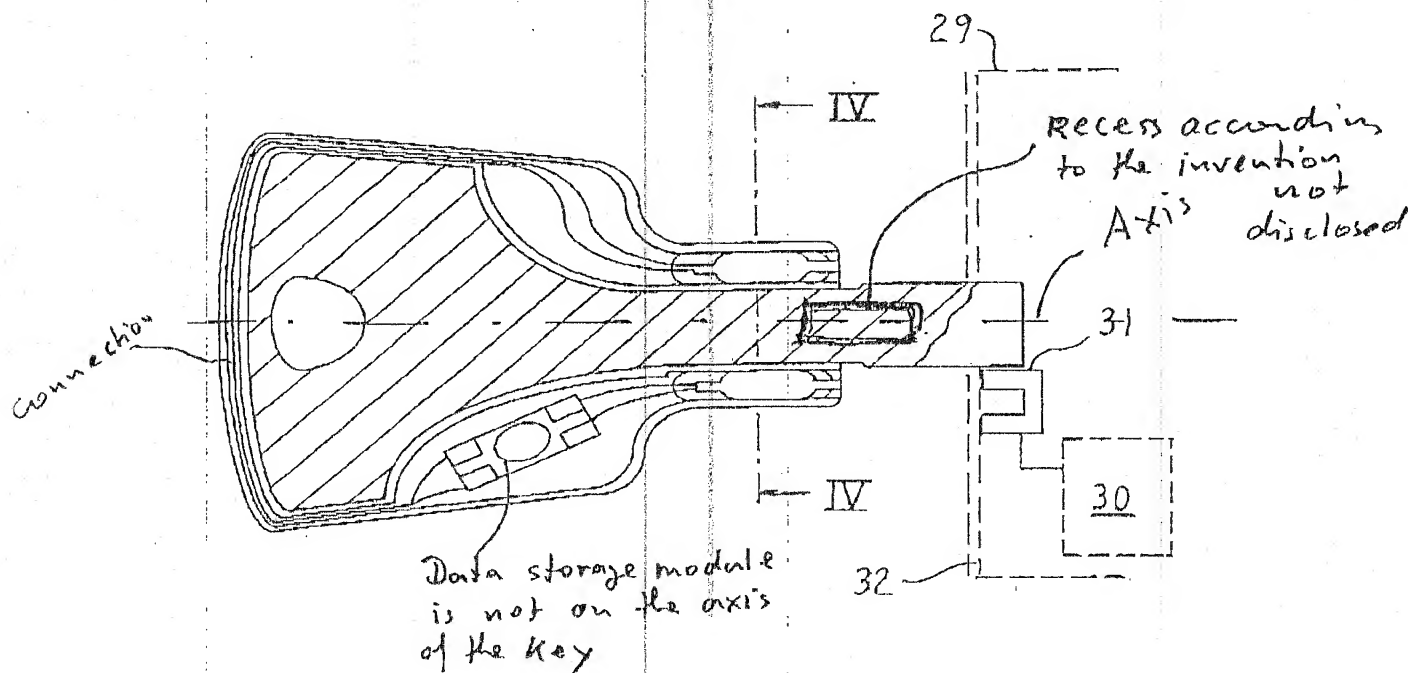
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## [57] ABSTRACT

side of the bow for receiving a transponder as a code transmitter, a ferrite coil and a line connecting the ferrite coil with the code transmitter.

14 Claims, 1 Drawing Sheet



(12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES  
PATENTWESENS (PCT) VERÖFFENTLICHTE INTERNATIONALE ANMELDUNG

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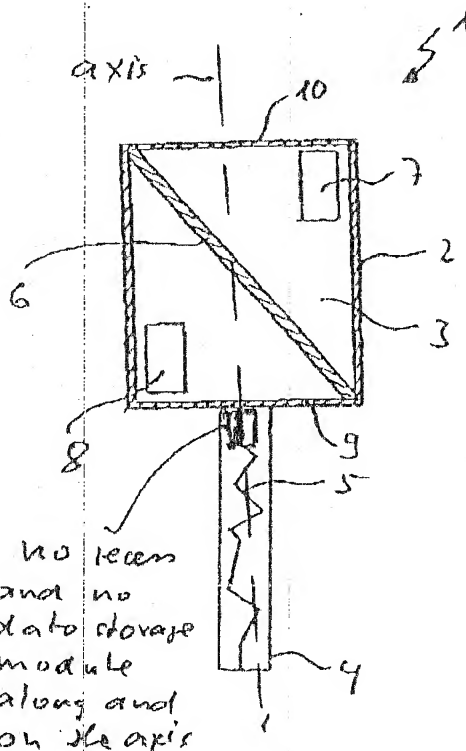
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(81) Bestimmungsstaaten (national): AL, AM, AT, AU, AZ, BA, BE, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP.

[Fortsetzung auf der nächsten Seite]

(54) Title: KEY AND LOCKING SYSTEM

(54) Bezeichnung: SCHLÜSSEL UND SCHLIESSANLAGE



(57) **Abstract:** The invention relates to a key for opening and/or locking at least two locks, one of which, for example, is preferably configured as a door and/or ignition lock and the other is configured as the door lock of a building. The aim of the invention is to further develop a key of this type in a cost-effective, multi-functional manner. To achieve this, each lock has at least one device for the contactless reading of data stored in data memories (7, 8) and the key comprises a housing (2), in which at least one data memory is located (7, 8). A data record for the locks to be opened and/or locked can be or is stored in the data memory; said data record permitting the opening or locking operation, if it matches a data record stored in the lock.

(57) **Zusammenfassung:** Die Erfindung betrifft einen Schlüssel zum Öffnen und/oder Schließen von zumindest zwei Schlössern, von denen beispielsweise ein Schloss vorzugsweise als Tür- und/oder Zündschloss eines Fahrzeuges und ein Schloss als Türschloss eines Gebäudes ausgebildet ist. Um einen gattungsgemäßen Schlüssel derart weiterzuentwickeln, dass er kostengünstig multifunktional einsetzbar ist, ist vorgesehen, dass jedes Schloss zumindest eine Einrichtung zum kontaktlosen Auslesen von in Datenspeichern (7, 8) gespeicherten Daten aufweist, mit einem Gehäuse (2), in dem zumindest ein Datenspeicher (7, 8) angeordnet ist, in dem für die zu öffnenden und/oder zu schließenden Schlösser ein Datensatz speicherbar oder gespeichert ist, der bei Übereinstimmung mit einem im Schloss gespeicherten Datensatz den Öffnungs- und/oder Schließvorgang ermöglicht.

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